



Republican Policy Committee

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Crime Series #5

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The House-Passed Crime Bills: A Quick Summary

In February, the House passed six bills to reform the criminal justice system. Those bills are summarized below:

H.R. 665, the Victim Restitution Act, requires judges to order criminals to pay full restitution to their victims for all damages resulting from the crime. Judges may award restitution instead of other punishment for misdemeanors, but the judge must order restitution in addition to punishment in felony cases. Judges are given authority to order the offender to make restitution to anyone harmed by his unlawful acts. The harm may be physical, emotional, or financial.

H.R. 666, the Exclusionary Rule Reform Act, establishes an exception to the exclusionary rule in Federal courts for evidence that was illegally obtained if the law enforcement officials acted in an objectively reasonable belief that their actions complied with the Fourth Amendment. Current law provides a "good faith exception" when warrants prove defective; the bill will extend a similar exception to cases where there was no warrant but the officers acted in objectively reasonable good faith.

H.R. 667, the Violent Criminal Incarceration Act, repeals Title II (grants for state prisons) and Title V (drug courts) of last year's crime bill and replaces them with a program of state prison grants and incentives to reduce early parole. Funding over five years is increased from \$8 billion to \$10.3 billion.

H.R. 667 also amends the Civil Rights of Institutionalized Persons Act to restrict the ability of prisoners to challenge the constitutionality of their confinement. For example, the bill requires that all available administrative relief be pursued before a civil action may be begun. The bill also requires courts to dismiss any suit by an inmate if the claim lacks a legitimate constitutional foundation or is malicious or frivolous.

H.R. 667 also limits the remedies that can be granted or enforced in a suit alleging that prison conditions violate a federal right; requires the Bureau of Prisons to remove all equipment that increases the fighting strength of prisoners and to eliminate activities that increase their fighting capabilities; requires the Attorney General to establish standards for federal prisons which provide prisoners with the least number of amenities and the lowest level of personal comfort which are consistent with constitutional requirements and good order; and allows inmates to provide services to private, nonprofit organizations.

H.R. 668, the Criminal Alien Deportation Improvement Act, amends the Immigration and Nationality Act and other laws to crack down on aliens who commit crimes. For example, H.R. 668 adds to the number of crimes for which an alien may be deported, and it allows deportation proceedings to begin earlier. It adds certain immigration-related offenses to the list of crimes for which the Racketeer Influenced and Corrupt Organizations Act (RICO) law applies. The RICO provision is designed to help attack criminal enterprises that smuggle aliens.

H.R. 728, the Local Government Law Enforcement Block Grants Act, establishes a block grant program to help local governments reduce crime and improve public safety. The bill replaces Title I of last year's bill (public safety, including the "COPS" program) and repeals much of Title III (prevention programs). H.R. 728 authorizes \$2 billion for each of the next five fiscal years.

H.R. 729, the Effective Death Penalty Act, reforms federal *habeas corpus* procedures by establishing a one-year limit on the filing of a *habeas corpus* petition by persons who have been convicted of a state crime and a two-year limit for federal crimes. Additionally, state prisoners must first have exhausted all available state remedies. The bill requires federal judges to defer to state judges unless the state judge, on either the facts or the law, was arbitrary or unreasonable. The bill also sets out a *habeas corpus* procedure that states may use in capital cases, and it authorizes grants to states to help defray their costs in defending *habeas corpus* litigation in capital cases. The funding is to be equal to the amount given to capital resource centers, which assist prisoners.

H.R. 729 also modifies existing law to ensure that a death sentence is imposed in certain federal cases where aggravating factors outweigh mitigating factors or where there is at least one aggravating factor but no mitigating factor.

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[NOTE: This short summary was derived (sometimes word-for-word) from a 15-page memorandum prepared by the staff of the Subcommittee on Crime of the House Judiciary Committee, "Summary Of 'Contract' Crime Legislation As Passed By The House Of Representatives". RPC intern Bryan LaBerge assisted in the preparation of this summary.]